

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Johnston et al )  
)  
For: Carbon Monoxide and Smoke )  
Detection Apparatus )  
)  
Serial No.: Continuation of 10/008,671 )  
)  
Filed: July 25, 2003 )  
)  
Examiner: Not assigned )  
)  
Art Unit: Not assigned )  
)  
Docket No. BRK-P-0393/90247 )

**PETITION TO MAKE SPECIAL PURSUANT TO 37 CFR § 1.102**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition that the above-identified new Continuation Application be made special in view of actual infringement. The necessary fee is attached.

The undersigned hereby states:

1. There is an infringing device actually on the market;
2. The undersigned has made a rigid comparison of the infringing device with the pending claims of the application. In his opinion, some of the claims are unquestionably infringed;
3. The undersigned has a good knowledge of the pertinent prior art arising out of searches of the prior art conducted by the US Patent Office in connection with parent application, application No. 09/058,467, now US Patent 6,426,703 B1 as well as additional prior art submitted by the Applicants therein. Concurrently filed herewith is an Information Disclosure Statement calling to the attention of the Patent Office such pertinent prior art. It is believed that

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the prior art corresponding to previously conducted searches and that additionally submitted by the Applicants complies with Section 708.02 MPEP, part II (C) pertaining to infringement.

Granting of this Petition is respectfully requested and advancement of the application for examination are respectfully requested.

Respectfully submitted,

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